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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,758	11/14/2003	Sharath Manjunath	PA742A1C1	3572

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Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER
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RIVERO, MINERVA

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/713,758	MANJUNATH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minerva Rivero	2655	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The patent numbers of the related published applications are missing on page 1.

Appropriate correction is required.

### *Claim Objections*

2. Claims 28- 31 are objected to because of the following informalities: Claims 28, 29, 30 and 31 are dependent upon claim 17, which does not mention a *codevector*, *codebooks* or a *random vector*. Examiner has assumed this is a typographical error and the intended parent claim is claim 27. Examiner has assumed the error corrected for treatment on the merits. Appropriate correction is required.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 3 of U.S. Patent No. 6,691,084. Although the conflicting claims are not identical, they are not patentably distinct from each other because it is obvious to broaden claims by dropping limitations.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cellario (US Patent 5,548,680).

Regarding claims 1 and 17, Cellario discloses a method of and system for

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classifying speech as active or inactive (Col. 1, Lines 50-51);

classifying active speech into one of a plurality of types of active speech (Col. 5, Lines 60- 65);

selecting a coding mode based on whether the speech signal is active or inactive, and if active, based further on said type of active speech (Col. 1, Lines 51-56) and

encoding the speech signal according to said coding mode, forming an encoded speech signal (Col. 1, Lines 58-60).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680), as applied to claims 1 and 17 above, in view of Weaver *et al.* (US Patent 5,956,673).

Regarding claims 2 and 18, Cellario discloses a method of and system for forming a synthesized speech signal (Col. 3, Lines 14-20).

Cellario, does not explicitly disclose but Weaver *et al.* do disclose decoding (encoded) speech signal (Col. 3, Lines 34-37).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and produce synthesized speech by decoding the original signal as taught by Weaver *et al.* in order to produce a signal that is derived as close as possible from the source, with any appropriate signal features modified to improve the quality of the signal.

9. Claims 3-4 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680), as applied to claims 1 and 17 above, in view of DeJaco (US Patent 5,911,128).

10. Regarding claims 3, 19 and 20, the claims are set forth with the same limitations as claims 1 and 17.

While Cellario does disclose specific methods of pitch period coding (Col. 2, Lines 9-12), he does not explicitly disclose the coding mode is a *CELP* coding mode. DeJaco, however, does disclose *CELP* coding (Col. 7, Lines 21-23).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario with implementation of CELP coding as taught by DeJaco in order to provide an efficient method that results in the reduction of the amount of information sent over a channel, as taught by DeJaco (Col. 2, Lines 3-7). [Note: Claim is construed in the alternative mode.]

11. Regarding claims 4 and 21, Cellario discloses the importance of bit rates (Col. 1, Lines 14-15), but does not explicitly associate them with coding modes.

DeJaco, however, does disclose a predetermined bit rate associated with a coding mode (Col. 1, Lines 47-49) and further discloses selecting a encoding rate based on comparison (Col. 5, Lines 24-26).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario with encoding the at a predetermined bit rate associated with the coding mode in order to select the most suitable bit rate for the type of signal being processed and to avoid wasting resources on noise and to prevent introducing anomalies such as those that result when noise is interpreted to be active voice, and to attain an optimal voice quality as taught by DeJaco (Col. 5, Lines 8-12).

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12. Claims 5 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680) in view of DeJaco (US Patent 5,911,128), as applied to claims 4 and 21 above, further in view of Weaver *et al.* (US Patent 5,956,673), and further in view of De Martin (IEEE Conference on Acoustics, Speech and Signal Processing, May 1996).

Regarding claims 5 and 22, the combined teachings of Cellario and DeJaco do not explicitly disclose but Weaver *et al.* do disclose

the *CELP* coding mode is associated with a bit rate of 8500 bits per second (Col. 1, Lines 26-28) and

the *PPP* coding mode is associated with a bit rate of 3990 bits per second (Col. 1, Lines 26-28).

Furthermore, Weaver *et al.* do not disclose but De Martin does disclose

the *NELP* coding mode is associated with a bit rate of 1550 bits per second (Page 218, Column 1, last paragraph).

Because these values are within normal laboratory tolerance for experimentation, being within 6.25% and 2.5%, respectively, of the claimed bit rates, it would have been obvious to one ordinarily skilled in the art at the time of the invention that the claimed bit rates would have been discovered during the course of normal experimentation and



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included within these ranges and that further, they would be adopted upon finding that they contributed significant benefits over other arbitrary values in the same ranges.

13. Claims 6 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680), in view of DeJaco (US Patent 5,911,128), as applied to claims 3 and 19 above, further in view of Massaloux (US Patent 5,812,965).

Regarding claims 6 and 23, the combined teachings of Cellario and DeJaco do not disclose, but Massaloux does disclose a method and system with the practice of analyzing and storing the current frame for inactive periods (Col. 1, Lines 55-56) in the same terms as specified as the definition for *zero rate mode* in the immediate application disclosure (Page 24, Lines 17-20).

As defined by the applicant in the specifications of the immediate application that *zero-rate mode* is exception processing for conditions where conventional algorithms would produce anomalies, dropping a factor to zero or infinity and making actualization impossible.

Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to supplement the combined teachings of Cellario and DeJaco and maintain or adopt prior mode factors and use the alternative processing as taught by Massaloux in order to avoid producing anomalous results.

14. Claims 7-8 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680) in view of Iijima *et al.* (US Patent 5,909,663).

15. Regarding claims 7 and 24, the claims are set forth with the same limitations as claims 1 and 17, respectively. Cellario discloses

the types of speech include voiced and unvoiced (Col. 1, Lines 51-55).

However, Cellario does not disclose but Iijima *et al.* do disclose

the types of active speech include transient active speech (*U and UV are unvoiced and voice, respectively*, Col. 16, Lines 60-62).

Therefore, it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and include transient active speech as a type of active speech, as taught by Iijima *et al.* in order to provide coverage against loss of speech that would result from abrupt changes in extreme modes.

16. Regarding claims 8 and 25, the claims are set forth with the same limitations as claims 7 and 24, respectively. Cellario addresses coding but does not disclose the use of the *CELP* mode of coding speech for *active transient* types. However, Iijima *et al.* disclose both, implementing *CELP* (Col. 28, Line 65).

While not referring to the type and mode as *PPP*, Iijima *et al.* describe processing speech associated with residuals (Col. 3, Lines 51) as described in the specifications of the immediate disclosure. In addition, again not using the same terms but processing the same elements as described in the disclosure for *NELP*, Iijima *et al.* disclose processing the noise features (Col. 4, Line 24).

Because all elements are addressed in regards to singularly processing a speech signal, it would have been obvious to a person of ordinary skill in the art at the time of the invention to supplement the teachings of Cellario and processing the elements as taught by Iijima *et al.* so as to have them arranged and fall into appropriate categories to receive best performance with least loss of data and least propagation of anomalies.

17. Claims 9 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680) in view of Iijima *et al.* (US Patent 5,909,663), as applied to claims 8 and 25 above, further in view of Atal (US Patent 4,764,963).

Regarding claims 9 and 26, Cellario teaches coding but does not disclose the methods. Iijima *et al.* address the first feature of the claims by disclosing an association of pitch parameters with *CELP* (Col. 1, Lines 23-24) and use of a codebook to process noise (Col. 3, Line 34) with selection of *CELP* coding.

Iijima *et al.* address the equivalent of *PPP* as concerning previous frame pitch periods as specified in the disclosure (Col. 3, Line 40) and requisite *codebook* (Col. 4, Line 9). Atal discloses the use of *rotational* parameters (Col. 7, Line 65), thus addressing the final limitation of the claims.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario with those of Iijima *et al.* and Atal and accompany signals with the requisite and appropriate parameters of codebook and pitch filter for *CELP*, codebook and rotation for *PPP* or prototype and codebook alone for the stochastic *CELP* noise feature processing, termed *NELP* in the immediate application, to enable these coding modes to be used.

18. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680) in view of Swaminathan *et al.* (US Patent 5,734,789).

19. Regarding claim 10, the claim is set forth with the same limitations as claim 1. Cellario does specify that processing will involve *next frames* (Col. 7, Lines 10-11) but does not explicitly disclose this as utilizing a *look ahead* feature. Swaminathan *et al.* specifically describe the implementation of *look ahead* processing (Col. 5, Lin 53).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and modify the value of present calculations by the influence of known future changes as taught by Swaminathan *et al.* as opposed to relying on expected variations that may be incorrect.

20. Regarding claim 11, the claim is set forth with the same limitations as claim 10. Cellario discloses the use of *LPC* coding (Col. 1, Line 16) but not specifically as to parameter position, initial or otherwise. Swaminathan *et al.* distinguish the *initial* pitch estimate feature (Col. 5, Line 47) in conjunction with *LPC* (Col. 7, Line 19), in conjunction with parameters (Col. 9, Lines 10-11).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to provide for a first or initialized value where necessary as taught by Swaminathan *et al.* in order to avoid the uncertainty of presenting algorithms with undefined computer memory locations at the start of the computer processing.

21. Claims 12-16 and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cellario (US Patent 5,548,680), as applied to claims 1 and 17 above, in view of Swaminathan *et al.* (US Patent 5,734,789), further in view of DeJaco (US Patent 5,911,128) and further in view of Massaloux (US Patent 5,812,965).

22. Regarding claims 12 and 27, the claims are set forth with the same limitations as claims 1 and 17, respectively. Concerning the first feature of *encoding* with the subsequent limitation of *estimating the energy of the residual signal*, Cellario discloses this as a *short-term prediction residual signal* (Col. 2, Line 8). Cellario does not address the further limitation of *selecting a codevector from a first codebook, wherein said codevector approximates said estimated energy*; Swaminathan *et al.* (Col. 1, Line 32-33) disclose the equivalent operation of “searching the codebook for the vector that produces a filter output signal that is closest to the output signal.”

Regarding the feature of *decoding* and the subsequent features of *generating a random vector*, DeJaco discloses these specifically (Col. 12, Line 6). DeJaco does not specifically address *retrieving said codevector from a second codebook*, the second codebook as in the subsequent feature of the claims, but Swaminathan *et al.* describe this with regard to *Separate VQ codebooks* (Col. 4, Line 41).

As to the subsequent feature of the claims, of *scaling random vector on codevector*, Swaminathan *et al.* address these (Col. 21, Lines 20-23), and as “*such that the energy of said scaled vector approximates said estimated energy*” (Col. 21, Lines 24-29). Swaminathan *et al.* also provide reference with “the fixed codebook vector for each subframe is inferred from the fixed codebook from the received fixed codebook index associated with that subframe and this is scaled by the fixed codebook gain (Col. 21, Lines 24-29).

Regarding the final limitation of the claims, Massaloux describes *filtering said scaled random vector with a LPC synthesis filter*, (Col. 6, Line 61), wherein *said filtered scaled random vector* (Col. 1, Line 63), and that it *forms said synthesized speech signal* (Col. 3, Lines 23-25).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to effectively code speech by the well known practice of encoding, then decoding, both to provide a clearer signal for transmission and to compare with the original speech for accuracy to avoid extraneous sounds and loss, to allow reprocessing if necessary to maintain quality.

23. Regarding claims 13 and 28, the claims are set forth with the same limitations as claims 12 and 27, respectively. Cellario does not address the structure of his *frames*. Concerning the first limitation, Swaminathan *et al.* teach that the *speech signal is divided into frames* and (Col. 12, Line 10) *each of said frames comprises two or more subframes* (Col. 19, Lines 1-2).

As to the second limitation of estimating the energy of the residual signal, Swaminathan *et al.* disclose this (Col. 4, Lines 20-26). Swaminathan *et al.* address the limitations of estimating the energy for each subframe (Col. 6, Lines 55-57) and of

having codevectors comprising a value approximating the estimated energy for each subframe (Col. 19, Lines 9-11).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to divide incoming speech signals into segments of logical length or frames to fit into computer memory and allow processing before the entire signal is completed, and to further divide those logical frames into smaller segments that influence and represent only the speech at the immediate moment and that can be processed, examined and discarded without influencing later speech signal processing.

24. Regarding claims 14 and 29, the claims are set forth with the same limitations as claims 12 and 27. Cellario and Swaminathan *et al.* do not disclose *stochastic codebooks*. DeJaco discloses the sole feature and limitation, being of *stochastic coding* (Col. 1, Line 41). Because in the *CELP* encoding structure for the unvoiced portion of the input speech signal, noise output corresponding to the LPC residuals of the unvoiced sound is representative of the noise codebook, or so-called stochastic codebook.

The examiner notes that of the two different stochastic codebook types, trained and algebraic, trained codebooks characteristically have all nonzero vectors, different in amplitude and sign while algebraic codebooks usually have only a few nonzero samples, often the amplitudes of which are set to one. Full search in a trained



codebook is more complex than with an algebraic codebook, which requires a large number of different codevector candidates for good reproduction of speech. However, no memory is required to store an algebraic codebook, since the candidate vectors can be constructed online during the codebook search step.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and Swaminathan *et al.* and provide a codebook as taught by DeJaco that is oriented toward the primary coding technology that minimizes computer space requirements.

25. Regarding claims 15 and 30, the claims are set forth with the same limitations as claims 12 and 27. Cellario does not address *trained codebooks*. Swaminathan *et al.* disclose the sole feature and limitation of *trained codebooks* (Col. 5, Line 30).

The examiner notes that of the two different stochastic codebook types, trained and algebraic, trained codebooks characteristically have all nonzero vectors, different in amplitude and sign while algebraic codebooks usually have only a few nonzero samples, often the amplitudes of which are set to one. Full search in a trained codebook is more complex than with an algebraic codebook, which requires a large number of different codevector candidates for good reproduction of speech.

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and provide a trained codebook as taught by Swaminathan *et al.* to reduce the required processing power.

26. Regarding claims 16 and 31, the claims are set forth with the same rejections as claims 12 and 27, respectively. Cellario and Swaminathan *et al.* do not disclose *unit variance random vectors*. DeJaco discloses the sole feature and limitation of a normalized codevector, suggesting a *unit variance random vector* with the implementation of random vectors (Col. 12, Lines 5-7).

Therefore it would have been obvious to one ordinarily skilled in the art at the time of the invention to supplement the teachings of Cellario and Swaminathan *et al.* with selecting vectors at random as taught by DeJaco in order to avoid using the same vector as before or otherwise establishing any pattern of coincidence when adding noise or evaluating excitation that would be manifested as repetitive propagation or anomalies in the signal.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kleijn (US Patent 5,884,253) provides a close approximation of the applicant's Prototype Pitch Period mode with his prior disclosure of Prototype with Pitch Period methodologies.

Mermelstein *et al.* (US Patent 5,995,923) closely matches the applicant's disclosure by employing two *vocoders* to the same effect, albeit in this case to avoid the expense and drawbacks of pulse processing.

Gupta *et al.* (US Patent 5,459,814) provides many of the features in the application, including the classes, noise processing and zero crossing delineation.

Aoyagi *et al.* (US Patent 5,752,223) and Kolesnik *et al.* (US Patent 5,729,655) disclose *CELP* coders having random, adaptive and pulse *codebooks*.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minerva Rivero whose telephone number is (703) 605-4377. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

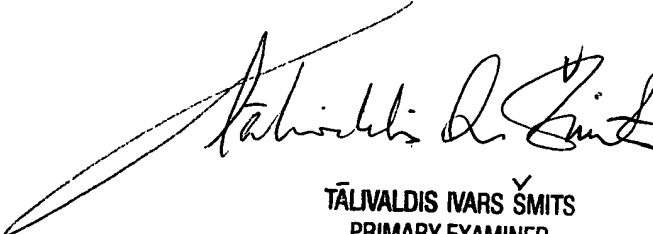
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 305-9508. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MR 12/3/2004



TĀLVALDIS IVARS ŠMITS  
PRIMARY EXAMINER